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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,167	04/25/2001	Michael G. Foulger	2018.0030001	4114
26111	7590	06/28/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			VAN DOREN, BETH	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 06/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/841,167	Applicant(s) FOULGER ET AL.	
	Examiner Beth Van Doren	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040108</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-33 are pending.

Specification

2. The abstract of the disclosure is objected to because "Title of the Invention" appears at the top of page 27. This should either be replaced by the title of the invention, "Method, System, and computer-program product for Employment Market Statistics Generation and Analysis" or omitted. Correction is required.

3. The disclosure is objected to because of the following informalities: the disclosure contains reference to the attorney docket number and application number of U.S. Patent 6,681,255 on at least pages 1 and 6. This information should be updated to reflect the patent number. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter et al.

(U.S. 2003/0229638).

5. As per claim 1, Carpenter et al. teaches a method of generating employment market statistics from a network, comprising the steps of:

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(a) accessing an employment resource via the network, the employment resource comprising data (See paragraphs 0013, 0019, 0036 which discloses accessing via the Internet employment resource data);

(b) matching the data to one of a plurality of employment market categories (See paragraphs 0019-20, 0036, 0042-3, wherein the data is matched to a market category); and

(c) updating at least one statistical indicator associated with the matched employment market category (See paragraphs 0046-7, 0054-6, wherein indexed data is collected, organized, and interpreted).

6. As per claim 2, Carpenter et al. wherein step (c) comprises the step of incrementing a counter associated with the matched employment market category (See paragraphs 0039, 0045, 0048-9, wherein a counter is updated associated with the match, the counter counting the time).

7. As per claim 3, Carpenter et al. teaches wherein step (c) comprises the step of calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category (See paragraphs 0054-6, wherein a relation of a resume to multiple job listing or a job listing to multiple resumes occurs).

8. As per claim 4, Carpenter et al. teaches wherein step (c) comprises the steps of:
incrementing a first counter associated with the matched employment market category when the employment resource is a resume (See paragraphs 0036 and 0046-9, wherein a counter is updated associated with the matched resume, the counter counting the time);

incrementing a second counter associated with the matched employment market category when the employment resource is a job listing (See paragraphs 0036 and 0046-9, wherein a counter is updated associated with the matched job posting, the counter counting the time).

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9. As per claim 5, Carpenter et al. discloses wherein each of the plurality of market categories corresponds to a particular labor type and region (See figure 10 and paragraphs 0042-3, 0050, which discloses title, description, and location).
10. As per claim 6, Carpenter et al. discloses wherein step (b) comprises the steps of:
 - matching the employment resource to a raw category (See figure 2, and paragraph 0037, 0042, which discusses the received information being categorized as unprocessed);
 - matching the employment resource to an interim category (See figure 2 and paragraph 0042, wherein the data is processed and temporarily stored in a short term state category);
 - matching the employment resource to an employment market category (matching to final category (See paragraph 0042-3, wherein the resource is matched).
11. As per claim 7, Carpenter et al. teaches wherein the employment resource is a resume (See figure 10 and paragraph 0036, wherein the resource is a resume).
12. As per claim 8, Carpenter et al. teaches wherein the employment resource is a job listing (See figure 10 and paragraph 0036, wherein the resource is a job posting).
13. As per claim 9, Carpenter et al. discloses wherein step (a) comprises the steps of:
 - sending a client request across the network to a server (See figure 1 and paragraphs 0013, 0019, 0036-7, wherein the request is sent via a network and server); and
 - receiving the employment resource via the network (See figure 1 and paragraphs 0013, 0019, 0036, wherein the resource is received).
14. As per claim 10, Carpenter et al. discloses a method further comprising the steps of:
 - repeating steps (a) through (c) for each of a plurality of employment resources (See paragraphs 0036-7, 0039, 0045, 0054-6, wherein the process repeats to maintain fresh data); and

for each of the plurality of market categories, plotting the associated statistical indicator (See paragraphs 0022, 0054-0056, wherein the updating indicator is designed and mapped).

15. As per claim 11, teaches wherein step (c) comprises the steps of:

marking the updated statistical indicator with a time stamp that indicates a current time interval (See paragraphs 0039, 0046-8, 0054-6, wherein a time stamp (document date) is associated with the data of the updated statistical indicator);

and storing the marked statistical indicator (See paragraphs 0039, 0046-8, wherein the time stamp is stored).

16. Claims 12 and 13-22 recite equivalent limitations to claims 1 and 1-10, respectively, and are therefore rejected using the same art and rationale applied above.

17. As per claim 23, Carpenter et al. teaches the limitations of claim 23 as discussed above with regards to claim 1. Carpenter et al. further teaches a spider engine that accesses an employment resource and a statistical analysis engine (See paragraphs 0035-6, 0039, 0047 which discusses a spider engine accessing the data over the network. See paragraphs 0047-8, 0054-6, which discusses an analysis engine).

18. Claims 24-33 recite equivalent limitations to claims 1-10, respectively, and are therefore rejected using the same art and rationale applied above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Defoor (US 2001/0042000) teaches matching job candidates with employers.

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Joao (US 6,662,194) discloses storing information relating to a job opening and information regarding a search for a job.

Nagler et al. (US 2001/0039508) teaches scoring attributes of an applicant and an employer.

Cooper et al. (US 6,681,255) is a patent of an application co-pending with the current application.

Clark ("E-Business: Starting Gate") teaches about ICPlanet's venture to match contractors with managers.

Houston ("ICPlanet: Running Perl in the Engine") discloses the browsing and querying databases of the ICPlanet site using a search engine that matches jobs with contractors.

Branscum ("Sites to Help Professional Workers who like to go it Alone") discloses different sites that allow workers to locate jobs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lwd

bvd

June 23, 2005


TARIQ R. HAFIZ
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